

Hon. Jamal N. Whitehead

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA A. DIEMERT, an individual,)	
)	Civil Action No. 2:22-cv-01640-JNW
Plaintiff,)	
)	
v.)	JOINT MOTION TO WITHDRAW
)	JURY TRIAL DEMAND
THE CITY OF SEATTLE, a municipal)	
corporation,)	
)	
Defendant.)	Note on motion calendar Sept. 27, 2024
)	
)	

Pursuant to Federal Rule of Civil Procedure 38(d), Plaintiff, Joshua A. Diemert, and Defendant, City of Seattle, stipulate to withdrawing the existing jury demand, agree that the issues in this lawsuit should be tried before the Court and not a jury, and seek for the Court to amend its Order Setting Trial Date and Related Dates (Dkt. No. 49) as referenced herein.

In support of this Stipulated Motion, the Parties state the following:

1. On April 7, 2023, the parties filed a Joint Status Report and Discovery Plan wherein Plaintiff requested trial by jury. Dkt. No. 23.
2. This case is currently scheduled for a jury trial set to begin on January 13, 2025. Dkt. No. 49.

3. Under Fed. R. Civ. P. 38(d), a jury demand may be withdrawn if all the parties consent. *See U.S. Sec. & Exch. Comm'n v. Jensen*, 835 F.3d 1100, 1107 (9th Cir. 2016) (citing Fed. R. Civ. P. 38(d)).

4. On September 18, 2024, counsel for Plaintiff notified Defendant that Plaintiff wished to withdraw his jury demand and requested that Defendant agree to jointly request a bench trial. Defendant has consented to the withdrawal of the jury demand and agreed to a bench trial before Judge Jamal Whitehead.

CONCLUSION

The Parties hereby jointly request that the Court strike Plaintiff's jury demand and enter a revised case schedule that designates this matter as a bench trial before Judge Whitehead. Apart from adjusting filing requirements based on the change from a jury trial to a bench trial, the parties request that no other changes be made to the case schedule, including to the trial date in this matter.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

Respectfully submitted this 27th day of September, 2024.

PACIFIC LEGAL FOUNDATION
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* *Pro hac vice*

ORDER

PURSUANT TO STIPULATION IT IS SO ORDERED.

DATED this 30th day of September, 2024.



Jamal N. Whitehead
United States District Judge